

§Appl. No. 10/049,442  
Amdt. dated July 8, 2004  
Reply to Office Action of, January 8, 2004

## **REMARKS**

Applicant will make the suggested amendments to the specification in due course, e.g., as soon as subject matter is indicated as allowable.

### **Rejection under §112, second paragraph**

The claims have been amended to address the rejections. These amendments do not change the scope of the claim as originally filed.

### **Rejection under §102(b) and §103**

The cited references do not disclose or suggest a tablet comprising at least one genus of probiotic microorganisms, characterized in that the tablet and/or the probiotic microorganisms has/have at least one enteric coating comprising at least two layers. In order to establish obviousness, there must be both motivation and an expectation of success to have modified the prior art to arrive at the claimed invention. These are clearly lacking from the cited prior art. For example, there is no teaching to have produced a tablet comprising probiotic microorganisms and having an enteric coating comprising at least two layers. The publications relied upon in the Office action would not have led the skilled worker to the claimed invention.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which could be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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